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09/621,946	07/24/2000	Venkatachari Dilip	CSHE.P001	5253
53186 7590 12/23/2009 COURTNEY STANIFORD & GREGORY LLP 10001 N. De Anza Blvd., Suite 300 Cupertino, CA 95014				
EXAMINER				
SUBRAMANIAN, NARAYANSWAMY				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

09/621,946

**Applicant(s)**

DILIP ET AL.

**Examiner**

Narayanswamy Subramanian

**Art Unit**

3695

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 September 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 59-64 and 78-83 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 59-64 and 78-83 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This office action is in response to applicant's communication of September 4, 2009. Amendments to claims 59, 64 and 83 have been entered. Claims 59-64 and 78-83 have been examined. The rejections and response to arguments are stated below.

#### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claim 83 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In particular, claim 83 is rejected under 35 U.S.C. § 112, first paragraph, because the specification does not provide a written description disclosure to support the claimed limitations of "such that each financial institution is only participating automatically in the obtaining of account information available to it", and "wherein the one or more financial transactions involves one or more of the plurality of the financial institutions communicating with the financial management system and rather than communicating with each other" (emphases added).

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

5. Claim 83 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as

the invention.

Claim 83 recites the limitation “wherein the financial management system is coupled to each of a plurality of the financial institutions” (emphasis added). This limitation lacks antecedent basis. Appropriate correction is required.

The art rejections are interpreted in light of the rejections above.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 59-64 and 78-83 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grant et al. (US Patent 4,694,397).

Claims 59 and 83, Grant teaches a method and a computer-readable medium having stored thereon a computer program that is executable by a processor to perform a method comprising: a processor-based financial management system receiving identification and access information for a plurality of financial accounts from an account holder, wherein the identification information is entered by the account holder in a client computer and transmitted to the financial management system via a communications network according to standard protocols accessible to any user of the publicly available network, wherein the financial management system is coupled to a plurality of financial institutions via the publicly available network (See the entire disclosure of Grant particularly Abstract, Figure 1, Column 3 lines 10-50, Column 5

lines 15-20, Networks provided by common carriers are interpreted to include publicly available network. A customer having dual status and a broker are interpreted to include an account holder. According to applicant's disclosure on page 7 lines 24-25 an account holder refers to any person having access to an account. Hence a customer having dual status and a broker are interpreted to include an account holder); the financial management system identifying a first account balance associated with a first account of the plurality of financial accounts (See the entire disclosure of Grant particularly Abstract, Column 3 lines 16-50 and Column 4 lines 3-26, brokerage and/or banking accounts imply plurality of financial accounts); the financial management system further identifying a second account balance associated with a second account of the plurality of financial accounts, wherein the wherein the first account and the second account are associated with one or more of the plurality of financial institutions (See the entire disclosure of Grant particularly Abstract, Column 1 lines 11-18, Column 3 lines 16-50 and Column 5 line 35 - Column 6 line 10, banking and brokerage institutions are separate and independent, brokerage and/or banking accounts imply plurality of financial accounts); obtaining account information from the first and second accounts using the identification and access information provided by the account holder, wherein obtaining comprises comprising the financial management system accessing each of the associated financial institutions separately via the publicly available network (See the entire disclosure of Grant particularly Figure 1, Abstract, Column 1 line 67- Column 2 line 7, Column 3 lines 10-50, Column 4 lines 5-25 and Column 5 line 35 - Column 6 line 10); the financial management system comparing the first account balance to a particular value; if the first account balance exceeds the particular value, the financial management system recommending a transfer of funds from the first account to the

second account, wherein the first account and the second account have a common account holder, and wherein the recommendation to transfer funds identifies an amount to be transferred equal to the value by which the first account balance exceeds the particular value; and if the first account balance is below the particular value, the financial management system recommending a transfer of funds from the second account to the first account, wherein recommending comprises generating a report for the account holder that is viewable on a computer via the publicly available network (See the entire disclosure of Grant particularly Figure 1, Abstract, Column 1 line 41- Column 2 line 43 and claim 3, means for displaying information on the client computer is interpreted to include this feature); the financial management system automatically executing one or more financial transactions on behalf of the account holder, comprising transferring funds to implement the recommendation, wherein the one or more financial transactions involves one or more of the plurality of the financial institutions transacting with the financial management system and rather than communicating with each other (See the entire disclosure of Grant particularly Column 2 lines 14-42. As can be seen from Figure 1 the Banking database does not communicate directly with the brokerage database. The communication is only through the Banking/Brokerage interface). A computer-readable medium having stored thereon a computer program that is executable by a processor to perform the method is inherent in the disclosure.

Grant does not explicitly teach the features wherein identification and access information comprises account information, one or more online banking login names, and one or more passwords; and wherein recommending comprises generating a report for the account holder that is viewable on a computer via the publicly available network.

Official notice is taken that the features wherein identification and access information comprises account information, one or more online banking login names, and one or more passwords; and wherein recommending comprises generating a report for the account holder that is viewable on a computer via the publicly available network are old and well known. For instance identification and access information comprising account information, one or more online banking login names, and one or more passwords ensure that only authorized users can access the accounts thereby increasing the security and privacy of the accounts. Generating a report for the account holder that is viewable on a computer via the publicly available network makes the process more efficient and timely compared to a manual process.

It would have been obvious to one of ordinary skill in the art at the time of invention to include this feature to the invention of Grant. The combination of disclosures suggests that users would have benefited from the efficient and timely processing of transactions according to the needs of the user. The users would have also benefited from the increased security and privacy of their accounts by having account information, one or more online banking login names, and one or more passwords.

Claims 60-64 and 78-82, Grant teaches the steps wherein obtaining account information and comparing the first account balance to a particular value is performed automatically at periodic intervals (See the entire disclosure of Grant particularly Column 3 lines 42-52); comparing the first account balance to a particular value includes applying at least one rule associated with the first account (See the entire disclosure of Grant particularly Column 2 lines 25-43); the first account is a checking account and the second account is a savings account (banking accounts imply these accounts); the second account pays a higher interest rate than the

first account (old and well known); if the first account balance is below the particular value, the financial management system recommending a transfer of funds from the second account to the first account in an amount equal to the value by which the first account balance is below the particular value (See the entire disclosure of Grant particularly Column 1 line 41- Column 2 line 43); the first account is a checking account and the second account is an investment account (inherent, banking account is a checking account and brokerage account is an investment account); the second account offers a better return than the first account (old and well known); the particular value is a minimum balance associated with the first account (See the entire disclosure of Grant particularly Column 2 lines 25-43); the particular value is a minimum required balance based on historical data (Old and well known); permitting the account holder to change the amount to be transferred from the first account to the second account (See the entire disclosure of Grant particularly Column 4 lines 45-52, special handling is interpreted to include this feature).

### ***Response to Arguments***

8. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., wherein the one or more financial transactions involves one or more of the plurality of the financial institutions transacting with the financial management system and not transacting with each other (emphasis added)) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).



In response to Applicant's assertion "At the time Grant was filed, there was no facility for a third party or intermediary financial management system to access multiple financial institutions on behalf of an account holder using identification and access information received from the account holder", the Examiner respectfully disagrees. As illustrated in figure 1 of Grant and disclosed in Column 3 lines 10-50, Column 5 lines 15-20, Grant clearly discloses these features. A customer having dual status and a broker are interpreted to include an account holder. According to applicant's disclosure on page 7 lines 24-25 an account holder refers to any person having access to an account. Hence a customer having dual status and a broker are interpreted to include an account holder.

In response to Applicant's assertion "At that time there was also no facility for a financial management system to transact on behalf of an account holder where two financial institutions, each a party to the transaction, do not communicate with each other, but only with the financial management system", the Examiner respectfully disagrees. As illustrated in Figure 1 of Grant and disclosed in Column 2 lines 14-42 and Column 3 lines 10-50 Grant clearly discloses these features. Also as can be seen from Figure 1 the Banking database does not communicate directly with the brokerage database. The communication is only through the Banking/Brokerage interface.

Applicant's other arguments with respect to pending claims have been considered but are not persuasive.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure are listed on the attached form PTO-892.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Narayanswamy Subramanian whose telephone number is (571) 272-6751. The examiner can normally be reached Monday-Thursday from 8:30 AM to 7:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles R. Kyle can be reached at (571) 272-6746. The fax number for Formal or Official faxes and Draft to the Patent Office is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PMR or Public PAIR. Status information for unpublished applications is available through Private PMR only. For more information about the PMR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Narayanswamy Subramanian/

Primary Examiner

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December 11, 2009